

REMARKS

Claims 1-22 are pending in the above-identified application. Claims 1 and 11 are independent claims. Claims 2-10 depend on claim 1. Claims 12-20 depend on claim 11.

In the Office Action mailed July 29, 2004, claims 1-6, 9-16 and 19-20 were rejected as being anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,766,174 to Kenyon (hereafter "Kenyon"). Claims 7, 8, 17 and 18 were rejected under 35 U.S.C. §103 as being obvious in view of Kenyon and U.S. Patent No. 6,587,691 to Granstam (hereafter "Granstam"). A timely response to the Office Action is due on or before October 29, 2004.

Claim 1 has been amended to clarify that the "call" between the first and second parties is a *telephone* call. As noted in the specification, the term "telephone" should be construed to include both wireless phones and wireline phones.

The preamble of claim 1 has also been amended but only to clarify that the claim is directed to a *communications* system. The Examiner will also note that certain dependent claims have also been amended by the Applicants, but only to clarify potential ambiguities in these claims vis-à-vis the locations being claimed.

Paraphrased, new independent claims 21 and 22 claim that at least one of two telephones is coupled to a switching system. One of the phones places a call through a switching system to another phone. In claim 21, data that identifies the location of the calling telephone is sent to the called phone and displayed on the called phone. In claim 22, data that identifies the location of the called phone is sent to the calling phone and displayed on the calling phone.

Support for the amendment to the preamble can be found in the Field of the Invention section of the specification. Support for the "telephone" limitation can be found in the specification in paragraphs 2, 12, 13, 16-18 and 22. Support for new claims 21 and 22 can be found in the original claims and throughout the Detailed Description. No new matter has been added.

For reasons set forth below, the Applicants traverse the claim rejections by this amendment

At the outset, the Applicants wish to note that Kenyon claims a system for providing geographic information over a cellular telephone network. The system of Kenyon as claimed is

believed to be distinctly different than anything that is made, used, imported or sold by the assignee of the present invention.

As for the pending claim rejections, as is well known, a telephone call whether it is between cell phones or wireline phones, takes place between at least two parties. One party who places or originates a call is known as a *calling* party. The other party is the *called* party.

Paraphrased, claim 1 as amended recites the transmission of information to a *called* party. The information provided to the *called* party identifies the location of the *calling* party.

In contrast, Kenyon teaches how to provide directions between two geographic points. Kenyon has nothing to do with transmitting calling party location information to a called party. (See col. 3, line 64- col. 4, line 20.) A thorough review of Kenyon by the Examiner will show that it does not teach or disclose the provision of a calling party's location to a party being called, where the "parties" are participants in a telephone call.

For example, in column 3, lines 20-23, Kenyon states that the invention disclosed therein "performs the service of *providing directions to a wireless telephone user from the current location of the wireless telephone to a desired destination.*" (Emphasis added.) Thus, Kenyon does not disclose the provision of location information of a calling party from a calling party's location. The text of Kenyon that the Examiner relies on, i.e., col. 3, lines 64 – col. 4, line 5, describes the transmission of location data to a switch, but the data is not between parties to a telephone call.

The Applicants appreciate that during the examination process, pending claims are to be as broadly construed as reasonably possible. As the Examiner knows however, claim terms are to be construed in light of the specification and as the term "party" is used in the specification, no one would construe the "party" limitation of claims 1 – 20 or the telephone limitation of "telephone" claims 21 and 22, to include the "switch" disclosed in Kenyon that receives GPS data from a cell phone. In other words, reading the switching system of Kenyon that receives GPS data from a telephone to be a "party" is an unreasonably broad construction of the "party" limitation. The switching system of Kenyon that receives GPS data from a cell phone is not a "party" to a telephone call.

In addition, Kenyon does not show or suggest the transmission of the calling party's location to the called party. Similarly, Kenyon does not show or suggest the transmission of the called party's location to the calling party.

As is well-known, a telephone call takes place between parties. As claim 1 is amended, the geographic location of a calling party is sent to a called party. The two claimed parties are parties to a *telephone* call that takes place between them. Claim 1 as amended avoids Kenyon and is in condition for allowance. Since each of claims 2-10 further narrow the scope of claim 1, each of them is also allowable as well.

Independent claim 11 was also rejected, ostensibly because Kenyon teaches all of the claim's limitations. Paraphrased, claim 11 as amended requires the claimed "user" and the claimed "calling party" to be parties to a "telephone" call. For the reasons set forth above with respect to claim 1, claim 11 avoids Kenyon and is in condition for allowance.

Kenyon does not show or suggest the transmission of calling party location data to a called party. Kenyon does not show or suggest the transmission of called party location data to a calling party.

Similarly, claims 12-20, which depend on claim 11 are also allowable over Kenyon.

As for the rejection of claims 7, 8, 17 and 18, these claims were rejected under 35 U.S.C. 103(a) on the combination of Kenyon and Granstam and are allowable over the combination of Kenyon and Granstam. The rejections of claims 7, 8, 17 and 18 that are based on Kenyon and Granstam have been overcome because Kenyon has been shown to be missing the claim 1 limitation that requires the disclosure of the transmission of data to a called party, prior to, during or as part of a telephone call. Since claims 7, 8, 17 and 18 include all of the limitations of the base claims, and since Kenyon is missing some of the limitations of the base claims, no combination of Kenyon with another reference can satisfy the limitations of the dependent claims, unless of course the other reference satisfies the limitations of the base claims that Kenyon is missing. Since the Examiner has not shown this to be the case, the rejection of claims 7, 8, 17 and 18 should be withdrawn.

New independent claim 21 claims the transmission of calling telephone location data to a called telephone location. New independent claim 22 claims the transmission of called telephone location data to a calling telephone.

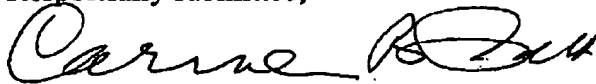
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The Applicants respectfully request reconsideration of the pending claims, which are in condition for allowance for reasons set forth above.

Should the Examiner wish to discuss the pending claims, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

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PATTI & BRILL, LLC
Customer Number 47382